

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDDIE MORGAN,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C10-5318RBL/JRC

REPORT AND
RECOMMENDATION

**NOTED FOR:
OCTOBER 15, 2010**

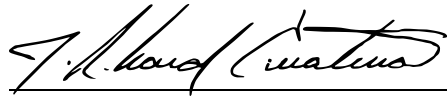
This habeas corpus action, filed pursuant to 28 U. S.C. §2254, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge's Rules MJR 3 and MJR 4.

Petitioner has filed a motion for default (Dkt. # 21). An answer was filed August 9, 2010 (Dkt. # 18). The matter is noted for consideration in September. Further, there is no default in habeas corpus proceedings. Gordon v. Duran, 895 F.2d 610, 612 (9th Cir.1990). The court recommends that the motion be DENIED.

Pursuant to Fed. R. Civ. P. 72 (b) the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections will

1 result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140
2 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the
3 matter for consideration on October 15, 2010, as noted in the caption.

4 DATED this 20th day of September, 2010.

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7 J. Richard Creatura
8 United States Magistrate Judge
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